

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America)

v.)

Israel Gonzalez-Cruz, AND)
Gustavo Joachin-Hernandez)

Case No. 24-1154 MJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 7, 2024 in the county of Dona Ana in the

District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*Title 8 USC § 1324(a)(1)(A)(v)(I)
and (a)(1)(B)(iv)

Conspiracy to Transport Illegal Aliens, Resulting in the Death of Any Person

This criminal complaint is based on these facts:

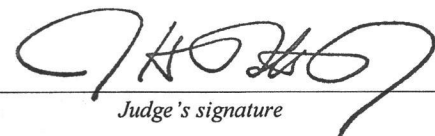
See attached Affidavit

☒ Continued on the attached sheet._____
Complainant's signature

Ryan Beck, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

*-by telephone*Date: 8/10/2024_____
*Judge's signature*City and state: Las Cruces, New Mexico

Jerry H. Ritter, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

VS

Israel Gonzalez-Cruz, AND
Gustavo Joachin-Hernandez

On August 7, 2024, United States Border Patrol (USBP) agents were on duty in Santa Teresa, New Mexico when they observed footprints near the international boundary fence that were consistent with a group of subjects illegally entering the United States from Mexico. The agents followed the footprints to the desert area just northeast of New Mexico State Road (NMSR) 9 near mile marker 141, where they discovered 10 subjects hiding in the brush. The subjects admitted to being illegal aliens who had recently entered the United States from Mexico and who were not in possession of immigration documents that would allow them to remain in the United States legally. All 10 subjects were detained and taken to the USBP station in Santa Teresa.

Agents continued to follow footprints that went north from the location where the 10 subjects had been apprehended. A short time later, they discovered three subjects attempting to hide in the brush, one of whom identified himself as Gustavo Joachin-Hernandez. All three subjects admitted to being illegal aliens who had recently entered the United States from Mexico and who were not in possession of immigration documents that would allow them to remain in the United States legally. The three subjects were detained and taken to the USBP station in Santa Teresa for further investigation.

Agents suspected that Joachin-Hernandez was a foot guide for the group of illegal aliens, as he was further north than the majority of the group and record checks revealed that he had previously been detained by USBP on multiple occasions after entering the United States illegally in the Santa Teresa area.

After the apprehensions, agents were advised by some of the illegal aliens that another female that was with the group had been left behind in an area north of NMSR 9. They further advised that the female was in need of medical attention.

Agents responded to the area and located the female, who was deceased upon their arrival.

During a post-Miranda interview, Joachin-Hernandez admitted to agents that he was a foot guide for the group of illegal aliens. After entering the United States, he stated that he noticed the female was struggling to keep up with the rest of the group. Joachin-Hernandez further advised that he stayed back and assisted the female until they reached NMSR 9, where the group was supposed to be picked up by vehicle.

Joachin-Hernandez said he was later instructed by a co-conspirator to have half of the group remain at NMSR 9 and have the other half continue north on foot to Strauss Road.

Joachin-Hernandez stated that he had been a foot guide for illegal aliens in the Santa Teresa area since November 2023 and that on this occasion, he was expecting to be paid \$2,000 Mexican pesos for each illegal alien that he assisted in being successfully smuggled to a stash house in the United States.

According to Joachin-Hernandez, one of the other 12 subjects he had been apprehended with was also a foot guide who had been assisting in smuggling the illegal aliens. Joachin-Hernandez identified this subject as being Israel Gonzalez-Cruz.

During a post-Miranda interview, Gonzalez-Cruz admitted that he had illegally entered the United States from Mexico with the group he was apprehended with. He stated that there were no foot guides for the group and that the smugglers in Mexico had telephonically provided the group with directions of where to go after they entered the United States. He also stated that he did not remember seeing the female who was later located deceased.

A post-Miranda interview was conducted of Material Witness 1, who had been apprehended with the other illegal aliens in the group. Material Witness 1 advised that, prior to entering the United States, Material Witness 1 met the deceased female while they were both being harbored at a stash house in Ciudad Juarez, Chihuahua, Mexico.

Material Witness 1 stated they illegally entered the United States from Mexico on August 7, 2024 with a group of other illegal aliens and that the deceased female had been traveling with them. Material Witness 1 advised that while walking through the desert, the group split up into two smaller groups. Material Witness 1 went with one group while the deceased female went with the other group.

Material Witness 1 was shown a photo array containing photographs of the other 12 subjects apprehended during the incident. When asked to identify any subjects who had served as a foot guide for the smuggling scheme, Material Witness 1 circled the photos of Gonzalez-Cruz and Joachin-Hernandez, further clarifying that both had been guiding the group of illegal aliens through the desert on foot.

The U.S. Attorney's Office was apprised of the aforementioned information and approved prosecution of Gonzalez-Cruz and Joachin-Hernandez for violation of 8 U.S.C. 1324(a)(1)(A)(v)(I) and (a)(1)(B)(iv) – Conspiracy to Transport Illegal Aliens, Resulting in the Death of Any Person.

Because this affidavit is being submitted for the purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.

I make this affidavit on the basis of my personal knowledge and information furnished to me by other law enforcement officers.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "JH Ritter", written over a horizontal line.

Jerry H. Ritter
United States Magistrate Judge
District of New Mexico

A handwritten signature in black ink, appearing to read "Ryan Beck", written over a horizontal line.

Ryan Beck
Special Agent
Homeland Security Investigations